REMARKS

Claims 26-30, 32 and 39-55 are pending in this application with claim 39-55 having been withdrawn from consideration under a restriction requirement.

Claims 26, 27, 29 and 32 were rejected as anticipated by Klein U.S. Patent number 5,810,767. Claims 26 and 28-30 rejected as anticipated by Brown U.S. Patent number 6,219,577.

The Cited Art

Klein '767 is directed to apparatus for infusing a therapeutic/diagnostic fluid media to a target site (5:32-34). A radially expansible infusion sleeve 12 has a central receptacle 24 for receipt of a balloon B or other expandable element. Infusion sleeve 12 also includes a plurality of infusion tubes 25 having infusions ports 28 formed therein (8: 41-65). The radial expansibility of the infusion sleeve may be provided by the use of an expansible braided material (6:35-40). The therapeutic/diagnostic fluid is pumped through ports 28 by a syringe or pump (8:47-48) after the infusion sleeve has been expanded (11:43-64). Fluid introduced through ports 28 will penetrate the wall tissue and flow into pocket reservoirs 34 at pressures of about 0.5-10 psi (9:22-27 and 11:61-64).

Brown '577 discloses a catheter 10 having what the patent calls an "expandable tubular braided sleeve 20". Sleeve 20 comprises "wires or electrodes 24 mounted around and parallel to the catheter body 16. The sleeve 28 may also comprise polyester monofilament 28 ... intercalated between the electrodes 24 during the braiding process." (9:4-9) The middle regions of electrodes 24 are coated with a drug/agent to permit the drug/agent to be delivered to the tissue when electrodes are expanded (9:17-22). Electrodes 24 are secured to rings 34, 36 with ring 34 being fixed to catheter 10 and ring 36 being slidable along the proximal portion 12 of catheter 10 (10:1-21). An outer guide tube 38 is used to draw rings 34, 36 toward one another causing electrodes 24 to expand to the state of figure 2 (10:35-53). "There are adequate open interstices in the remainder of the network closer to the support catheter body 10 for blood to flow through the artery during electrical pulsing and drug delivery. This is greatly advantageous over catheters having electrodes positioned within or on the surface of an occlusive balloon in terms of reducing ischaemic risk." (10:64-11:2)

The Cited Art Distinguished

Independent claim 26 is allowable over **Klein '767** for the following reasons. First, applicant disagrees with the Examiner's position that the drug infusion tubes are part of the tubular

braid. The target infusion tubes of Klein are attached to but are not braided and are not part of the braided structure. Second, the Examiner states that Klein discloses positioning a porous tubular braid with a contact dispensable agent. However, as discussed above, the tubular braid portion of Klein, see figure 13 and 14 of Klein, would be spaced radially inwardly from the target tissue and would not comprise a contact-dispensable agent. Rather, the agent of Klein is a pump dispensable agent which passes through ports 28 formed in tubes 25. Third, the tubular braid of Klein is not expanded against the body tissue to make intimate contact with the body tissue as presently claimed. Rather, tubes 25 of Klein make intimate contact with the body tissue while any tubular braid would be spaced apart from the body tissue. Fourth, no agent is dispensed from the tubular braid into the body tissue is claimed. With Klein, the agent is dispensed through ports 28 formed in tubes 25, not through any tubular braid.

Claim 26 is also allowable over Klein '767 based upon the amendments to claim 26. Support for these amendments is found at page 16, lines 16-20 of the application. Claim 26 requires that the contact-dispensable agent be in contact with all of the individual yarns of the porous tubular braid. In contrast, with Klein the contact-dispensable agent is only housed within the tubes prior to the dispensing step. There would have been no reason to have the contact dispensable agent in contact with the braided structure of Klein during the positioning step.

Independent claim 26 is allowable over **Brown '577** because claim 26 now requires that the contact-dispensable agent be in contact with all of the individual yarns of the porous tubular braid. In contrast, with Brown the contact-dispensable agent only contacts electrodes 24. There would have been no reason to have the contact dispensable agent in contact with the polyester monofilaments 28 of Brown because it is the electrodes that are used to drive the treatment agent on the electrodes into the body tissue. There is no indication that the same would be true if the polyester monofilaments are coated with a treatment agent.

Independent method claim 30 is allowable over Brown for the same basic reasons as discussed above with regard to claim 26.

The **dependent claims** are directed to specific novel subfeatures of the invention and are allowable for that reason as well as by depending from novel parent claims. For example, **claim 28** recites in part selecting an absorbent fiber tubular braid; contrary to the Examiner's position regarding 9:4-9 that the braid includes absorbent polyester monofilaments, there is nothing in the art that suggests that polyester monofilaments 28 are absorbent.

In light of the above remarks and the amendments to the claims, applicant submits that the application is in condition for allowance and action to that end is urged. If the Examiner believes a telephone conference would aid the prosecution of this case in any way, please call the undersigned at (650) 712-0340.

Respectfully submitted,

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James F. Hann, Reg. No. 29,719

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, California 94019
Phone: 650-712-0340
Fax: 650-712-0263